

Notice of Allowability

Application No.

09/576,686

Examiner

Fadey S. Jabr

Applicant(s)

DARCY ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment submitted 11/12/2007.
2. ☒ The allowed claim(s) is/are 1,3-6,9-12,14-17,19,20 and 43-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Prosecution History

Claims 2, 7-8, 13, 18, 21-29, 31-33 and 36-42 were cancelled by way of amendment.

Claims 30, 34 and 35 have been cancelled by way of Examiner's Amendment.

Claims 1, 3-6, 9-12, 14-17, 19-20 and 43-45 remain pending and are allowed for at least the reasons below.

Allowable Subject Matter

1. Claims 1, 3-6, 9-12, 14-17, 19-20 and 43-45 are allowed over the prior art of record.
2. The claims are allowed for the reasons set forth in the Applicant's arguments found in the Applicant's Arguments filed 11 November 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

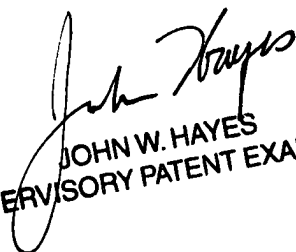
Please address mail to be delivered by the United States Postal Service (USPS) as follows:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monplaisir Hamilton on 19 November 2007.

Listing of Claims:

1. (Currently Amended) A method in a computer system for assigning a monetary cost to a computer transaction, the method comprising:

identifying two or more information technology services utilized to execute the computer transaction, wherein the information technology services include telephone services, network access services, maintenance services, software services, support services, and hardware services;

determining a monetary computer transaction cost associated with the two or more services utilized to execute the transaction, wherein determining the monetary computer transaction cost comprises:

(1) identifying each resource utilized to provide the two or more services, wherein a portion of an original cost or a depreciated cost of each identified resource is assigned to the computer transaction,

(2) determining a quality cost that represents a cost for a level of quality of each of the two or more services utilized to execute the transaction, wherein the quality cost for each of the two or more services comprises an availability cost that represents the cost for the availability of each of the two or more services and a response time cost that represents the cost of the response time for each of the two or more services,

and

(3) combining [[the]] the portion of the original cost or depreciated cost and the quality cost to define the monetary computer transaction cost for each identified resource utilized to provide the two or more services;

and

summing the monetary computer transaction cost for each identified resource to determine the monetary cost for the computer transaction in order to pass the monetary cost for the computer transaction to a user executing the computer transaction.

2. (Canceled).

3. (Previously Presented) The method as recited in claim 1, wherein equipment is a utilized resource and the monetary computer transaction cost includes an equipment cost and wherein the determining step includes calculating the equipment cost as a percentage of an overall equipment cost for equipment utilized to execute the transaction.

4. (Previously Presented) The method as recited in claim 3, wherein software is a utilized resource and the monetary computer transaction cost includes a software cost and wherein the determining step includes calculating the software cost as a percentage of an overall software cost for the equipment utilized to execute the transaction.

5. (Previously Presented) The method as recited in claim 4, wherein personnel is a utilized resource and the monetary computer transaction cost includes a personnel cost and wherein the determining step includes calculating the personnel cost as a percentage of an overall personnel cost for maintaining the software and the equipment utilized to execute the transaction.

6. (Previously Presented) The method as recited in claim 5, wherein a facility is a utilized resource and the monetary computer transaction cost includes a facility cost and wherein the determining step includes calculating the facility cost as a percentage of an overall facility cost for supporting and housing the equipment and personnel utilized to execute the transaction.

7-8. (Canceled).

9. (Previously Presented) The method as recited in claim 1, wherein the availability cost includes an equipment cost and wherein the step of determining a cost for the availability includes calculating the equipment cost as a percentage of an overall equipment cost for equipment utilized to provide the availability of the one or more services.

10. (Original) The method as recited in claim 9, wherein the availability cost includes a software cost and wherein the step of determining a cost for the availability includes calculating the software cost as a percentage of an overall software cost for the equipment utilized to provide the availability of the one or more services.

11. (Original) The method as recited in claim 10, wherein the availability cost includes a personnel cost and wherein the step of determining a cost for the availability includes calculating the personnel cost as a percentage of an overall personnel cost for maintaining the software and the equipment utilized to provide the availability of the one or more services.

12. (Original) The method as recited in claim 11, wherein the availability cost includes a facility cost and wherein the step of determining a cost for the availability includes calculating the facility cost as a percentage of an overall facility cost for supporting and housing the equipment and personnel utilized to provide the availability of the one or more services.

13. (Canceled).

14. (Previously Presented) The method as recited in claim 1, wherein the response time cost includes an equipment cost and wherein the step of determining a cost for the response time includes calculating the equipment cost as a percentage of an overall equipment cost for equipment utilized to provide the response time of the one or more services.

15. (Original) The method as recited in claim 14, wherein the response time cost includes a software cost and wherein the step of determining a cost for the response time includes calculating the software cost as a percentage of an overall software cost for the equipment utilized to provide the response time of the one or more services.

16. (Original) The method as recited in claim 15, wherein the response time cost includes a personnel cost and wherein the step of determining a cost for the response time includes calculating the personnel cost as a percentage of an overall personnel cost of maintaining the software and the equipment utilized to provide the response time of the one or more services.

17. (Original) The method as recited in claim 16, wherein the response time cost includes a facility cost and wherein the step of determining a cost for the response time includes calculating the facility cost as a percentage of an overall facility cost for supporting and housing the equipment and personnel utilized to provide the response time of the one or more services.

18. (Canceled).

19. (Currently Amended) [[A]] One or more computer-readable medium having computer-executable instructions for assigning a monetary cost to a computer transaction, the computer-executable instructions perform a method comprising: performing the steps recited in claim 1.

identifying two or more information technology services utilized to execute the computer transaction, wherein the information technology services include telephone services, network access services, maintenance services, software services, support services, and hardware services;

determining a monetary computer transaction cost associated with the two or more services utilized to execute the transaction, wherein determining the monetary computer transaction cost comprises:

(1) identifying each resource utilized to provide the two or more services, wherein a portion of an original cost or a depreciated cost of each identified resource is assigned to the computer transaction,

(2) determining a quality cost that represents a cost for a level of quality of each of the two or more services utilized to execute the transaction, wherein the quality cost for each of the two or more services comprises an availability cost that represents the cost for the availability of each of the two or more services and a response time cost that represents the cost of the response time for each of the two or more services,

and

(3) combining the portion of the original cost or depreciated cost and the quality cost to define the monetary computer transaction cost for each identified resource utilized to provide the two or more services;

and

summing the monetary computer transaction cost for each identified resource to determine the monetary cost for the computer transaction in order to pass the monetary cost for the computer transaction to a user executing the computer transaction.

20. (Currently Amended) A computer system having a processor, an operating system, a memory, the processor being configured to carry out the steps comprising: the computer system performing the steps recited in claim 1-

identifying two or more information technology services utilized to execute the computer transaction, wherein the information technology services include telephone services, network access services, maintenance services, software services, support services, and hardware services;

determining a monetary computer transaction cost associated with the two or more services utilized to execute the transaction, wherein determining the monetary computer transaction cost comprises:

(1) identifying each resource utilized to provide the two or more services, wherein a portion of an original cost or a depreciated cost of each identified resource is assigned to the computer transaction,

(2) determining a quality cost that represents a cost for a level of quality of each of the two or more services utilized to execute the transaction, wherein the quality cost for each of the two or more services comprises an availability cost that represents the cost for the availability of each of the two or more services and a response time cost that represents the cost of the response time for each of the two or more services,

and

(3) combining the portion of the original cost or depreciated cost and the quality cost to define the monetary computer transaction cost for each identified resource utilized to provide the two or more services;

and

summing the monetary computer transaction cost for each identified resource to determine the monetary cost for the computer transaction in order to pass the monetary cost for the computer transaction to a user executing the computer transaction.

21-42. (Canceled).

43. (Previously Presented) The method of claim 1, further comprising:

identifying a fixed cost resource and attributing a portion of a depreciated cost, an original cost, or an usage cost for the fixed cost resource to the computer transaction, and

identifying variable cost resources and determining a portion of a personnel cost for the variable cost resources required to conduct the transaction; and

summing the portion of the depreciated cost, the original cost, or the usage cost for the fixed cost resource and the portion of the personnel cost for the variable cost resource to determine the monetary cost for the computer transaction.

44. (Previously Presented) A computer system having a processor, an operating system, a memory, the processor being configured to carry out the steps comprising: A
~~system for assigning a monetary cost to a computer transaction requiring provider services, the system comprising:~~

identifying two or more services necessary for conducting the computer transaction, wherein the two or more services include telephone services, network access services, maintenance services, software services, support services, and hardware services, and identifying the two or more services comprise:

assigning identifiers to applications associated with the two or more services and to components of the applications that are triggered by the computer transaction; and

monitoring each identified application and each identified component to calculate a response time for the two or more services accessed by the computer transaction and to calculate the availability of the two or more services accessed by the computer transaction;

identifying resources utilized in providing the two or more services; and

determining a monetary cost to a provider for each resource and determining the monetary cost for the computer transaction, wherein the monetary cost for the computer transaction is a function of a depreciated cost or an original cost for each utilized resource and a quality cost of each of the two or more services, wherein the quality cost comprises an availability cost based on the calculated availability time of the two or more services and a response cost based on the calculated response time of the two or more services.

45. (Previously Presented) The system of claim 44, wherein the resources comprise utilized personnel, software, hardware, facilities and equipment costs that are percentages of an overall personnel, software, hardware, facilities and equipment costs.